

REMARKS

I. INTRODUCTION

Applicant thanks the Examiner for the indication of allowable subject matter in claims 1-6, 9-16 and 18-19. Applicant has amended claims 7-8. Accordingly, claims 1-20 are presently pending in this application. Applicant respectfully requests reconsideration of the application in view of the foregoing amendments and the following arguments.

II. AMENDMENTS TO THE CLAIMS

Applicant has amended claims 7-8 to change the dependency of the claims and provide for proper antecedent basis for the limitations set forth in claims 7-8. Applicant submits that this amendment does not add any new matter.

III. REJECTION OF CLAIMS 7-8 UNDER 35 U.S.C. § 112

Claims 7-8 stands rejected under 35 U.S.C. § 112, ¶ 2 as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regard as his invention. In particular, claims 7-8 have been rejected as failing to provide antecedent basis for the term "first and second cam surfaces." Applicant has amended claims 7-8 to change the dependency of claims 7-8 from claim 1 to claim 6. Applicant respectfully submits that all of the terms in claims 7-8 as amended, have proper antecedent basis and that the rejection has been overcome. Accordingly, Applicant requests that the rejection be withdrawn.

IV. REJECTION OF CLAIMS 17 AND 20 UNDER 35 U.S.C. § 102(B)

Claims 17 and 20 stand rejected under 35 U.S.C. § 102(b) as anticipated by Pempek (U.S. Patent No. 4,729,552). Applicant respectfully submits that the rejection of

claims 17 and 20 under 35 U.S.C. § 102(b) is improper because Pempek does not disclose or suggest all of the limitations recited in the claims. In re Paulsen, 30 F.3d 1475, 1478-79, 31 U.S.P.Q.2d 1671 (Fed. Cir. 1994); Verdegaal Bros. v. Union Oil Co. of California, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1997) (“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.”).

Independent claim 17 recite a clamp including a body and first and second arms and “means for securing said first and second arms relative to said body.” This latter limitation is written in a means plus function format and, therefore, is interpreted in accordance with 35 U.S.C. § 112, ¶ 6 to cover the structure disclose in the specification for performing the recited function and equivalent structure. As set forth in the specification, the “means for securing...” comprises an assembly 26 including members 112, 114, 116 which comprise a fastener, nut and pushrod in the illustrated embodiment. See paragraphs 0010 and 0020. Rotation of the fastener in a first rotational direction causes movement of the nut along a first axis in a first axial direction and corresponding movement of the push rod along a second axis whereby the push rod engages a plate in the body to secure a position of the first and second arms relative to the body. The Office Action does not address this limitation in claim 17 and does not identify what structure the Examiner believes performs the function of “securing said first and second arms relative to said body”. Nevertheless, it is clear that Pempek does not disclose identical structure and Applicant respectfully submit that Pempek does not disclose any equivalent structure. If the Examiner disagrees, Applicant respectfully requests that the Examiner

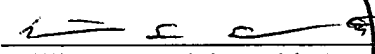
identify the structure and set forth the reasoning for determining that such structure is equivalent to the disclose structure discussed above.

Because Pempek does not teach or suggest all of the limitations recited in independent claim 17, Applicant submits that the rejection of claim 17 under 35 U.S.C. § 102(b) is improper and requests that the rejection be withdrawn. Further, because claim 20 depends from claim 17, Applicant submits that the rejection of claim 20 under 35 U.S.C. § 102(b) is also improper and requests that the rejection be withdrawn.

V. CONCLUSION

Applicant respectfully requests entry of the above amendments prior to appeal on this matter. If the Examiner has any further questions or concerns, the Examiner is invited to contact the Applicant's undersigned attorney.

Respectfully submitted,


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